

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

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(4) Handicapped parking spaces in adequate number, pursuant to section 4593, subsection 1, paragraph E; and

(5) 4.17 toilet stalls, at least one of which must be a standard toilet stall configuration pursuant to ANSI Figure 30(a). Any additional toilet stalls within the same toilet room may be either standard stall configuration, ANSI Figure 30(a), or alternate stall configuration, ANSI Figure 30(b).

4. Rules. The commission may adopt, alter, amend and repeal rules designed to make buildings under this section accessible to, functional for and safe for use by physically handicapped persons in accordance with subsection 3, and may adopt, alter, amend and repeal rules designed otherwise to enforce this section.

5. Certification; inspection. The builder of a facility to which this section applies shall obtain a certification from a design professional that the plans meet the standards of construction required by this section. The builder shall provide the certification to the Office of the State Fire Marshal with the plans of the facility. The builder shall also provide the certification to the municipality where the facility exists or will be built.

6. Training, education and assistance. The commission and the Office of the State Fire Marshal shall, as necessary, develop information packets, lectures, seminars and educational forums on barrier-free design for the purpose of increasing the awareness and knowledge of owners, architects, design professionals, code enforcers, building contractors and other interested parties.

7. Mandatory plan review; certification; inspection. Builders of the following newly constructed facilities must submit plans to the Office of the State Fire Marshal, which shall serve as the contractor for the commission for these purposes, to assure that the plans meet the standards of construction required by subsection 3:

- A. Restaurants;
- B. Motels, hotels and inns;
- C. State, municipal and county buildings; and
- D. Schools, elementary and secondary.

Fees for reviews shall be established by the Office of the State Fire Marshal.

No building permit may be issued by the municipal authority having jurisdiction to issue these permits unless the Office of the State Fire Marshal approves the plans and certifies that the facility covered by the mandatory plan review meets the standards of construction required by this section; if, however, no decision is rendered within

2 weeks of submission to the Office of the State Fire Marshal, the builder may submit the building permit request directly to the municipality with an attestation that the plans meet the standards of construction.

If officials of the municipality in which the facility is constructed, renovated, remodeled or enlarged inspect buildings for compliance with construction standards, that inspection must include an inspection for compliance with the certified plans. The municipal officials shall require that the facility be inspected for compliance with construction standards before the municipal officials permit the facility to be occupied.

8. Voluntary plan review. Builders of facilities not governed by subsection 7 may submit plans to the Office of the State Fire Marshal to ensure that the plans meet the standards of construction required by subsection 3. Fees for this review may be assessed by the Office of the State Fire Marshal.

9. Waivers; variance. If the commission determines in cases covered by mandatory plan review that compliance with this section and its rules is not technologically feasible or would result in excessive and unreasonable costs without any substantial benefit to physically handicapped persons, it may provide for modification of, or substitution for, these standards. In all petitions for variance or waiver, the burden of proof is on the party requesting a variance or waiver to justify its allowance.

Requests for waivers or variances for buildings covered by mandatory plan review are heard by a representative of the commission and a designee of the Office of the State Fire Marshal. A decision must be provided in writing to the party requesting the waiver or variance.

10. Appeals. Commission decisions on requests for waivers or variances in cases covered by mandatory plan review are subject to review in Superior Court upon petition of the aggrieved party within 30 days after the issuance of the decision for which review is sought. The court may enter an order enforcing, modifying or setting aside the decision of the commission, or it may remand the proceeding to the commission for such further action as the court may direct.

11. Report. The commission shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by March 1992, regarding the effectiveness of efforts to provide technical assistance and compliance with the standards set forth in this section requiring accessibility by persons subject to this section. The commission shall submit a copy of the report to the Executive Director of the Legislative Council.

See title page for effective date.

## CHAPTER 796

S.P. 761 - L.D. 1986

An Act Concerning Public Utilities

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 35-A MRSA §3132, sub-§2**, as amended by PL 1989, c. 60, §3, is further amended to read:

**2. Line not resulting from construction or purchase.** Except as otherwise provided in subsection 3-A, whenever any electric utility or utilities propose to erect within this State a transmission line capable of operating at 100 kilovolts, or more, and the transmission line does not result from the construction of a generating facility pursuant to this section or the purchase of generating capacity, transmission capacity or energy, the utility or utilities shall file a petition for the approval of the proposed line. The petition is subject to the requirements of subsection 1, paragraphs B and C. The commission shall issue its order within 6 months after the petition is filed unless this period is extended as provided in subsection 1, paragraph D.

At the time of filing of a petition for approval of a proposed line under this section, the utility shall send a copy of the petition by certified mail to the municipal officers of the municipality or municipalities in which the line is to be located.

**Sec. 2. 35-A MRSA §3132, sub-§6**, as amended by PL 1987, c. 387, §1, is further amended to read:

**6. Commission order; certificate of public convenience.** In its order, the commission shall make specific findings with regard to the need for the proposed facilities. If the commission finds that a need exists, it shall issue a certificate of public convenience and necessity for the facilities. If the commission orders or allows the erection of the facilities, the order shall be subject to all other provisions of law and the right of any other agency to approve the facilities. The electric utility may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart 6-A; and Title 38, section 438-A. The issuance of a certificate of public convenience and necessity establishes that, as of the date of issuance of the certificate, the decision by the utility to erect or construct was prudent.

See title page for effective date.

## CHAPTER 797

H.P. 1627 - L.D. 2249

### An Act to Limit the Role of Rating Organizations in Property and Casualty Rate Making

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 24-A MRSA §2301**, as amended by PL 1977, c. 694, §415, is further amended to read:

#### §2301. Purpose of chapter; interpretation

The purpose of this chapter is to promote the public welfare by regulating insurance rates, in accordance with the intent of Congress as expressed in Public Law 15 -- 79th Congress, to the end that they shall not be excessive, inadequate or unfairly discriminatory, and to authorize and regulate limited cooperative action among insurers in rate-making rate-making related activities and in other matters within the scope of this chapter. Nothing in this chapter is intended to prohibit or discourage reasonable competition, or to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices. This chapter shall be liberally interpreted to carry into effect this section. Unless otherwise specified, all hearings held under this chapter shall be in accordance with the procedures set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV.

**Sec. 2. 24-A MRSA §2302-A** is enacted to read:

#### §2302-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. "Commercial lines"** means any line of insurance that is not a personal line.

**2. "Developed losses"** means losses, including loss adjustment expenses, adjusted, using standard actuarial techniques, to eliminate the effect of differences between current payment or reserve estimates and those needed to provide actual ultimate loss and loss adjustment expense payments.

**3. "Expense"** means that portion of a rate attributable to acquisition, field supervision and collection expenses; general expenses; and taxes, licenses and fees.

**4. "Loss trending"** means any procedure for projecting developed losses to the average date of loss for the period during which the policies are to be effective.

**5. "Personal lines"** means homeowners, tenants, private passenger nonfleet automobiles, mobile homes and other property and casualty insurance for personal, family or household needs.

**6. "Prospective loss costs"** means that portion of a rate that does not include provisions for expenses, other than loss adjustment expenses, or profit, and is based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.

**7. "Rate"** means the cost of insurance per exposure unit, whether expressed as a single number or as a prospective loss cost with an adjustment to account for the treatment of expenses, profit, and individual insurer